

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TERRI PECHNER-JAMES and SONIA )  
FERNANDEZ, )  
Plaintiffs, )  
v. )  
CITY OF REVERE, THOMAS AMBROSINO, )  
MAYOR, CITY OF REVERE POLICE )  
DEPARTMENT, TERRENCE REARDON, )  
CHIEF OF POLICE, BERNARD FOSTER, )  
SALVATORE SANTORO, ROY COLANNINO, )  
FREDERICK ROLAND, THOMAS DOHERTY, )  
JOHN NELSON, JAMES RUSSO, MICHAEL )  
MURPHY and STEVEN FORD, )  
Defendants, )

C.A. No. 03-12499-MLW

**DEFENDANT, CITY OF REVERE'S, MOTION  
TO COMPEL ANSWERS TO INTERROGATORIES**

NOW COMES Defendant, City of Revere, and hereby moves the Court pursuant to Federal Rules of Civil Procedure, Rule 37(a)(2)(B), and Local Rule 37.1 for an order compelling Plaintiffs TERRI PECHNER-JAMES and SONIA FERNANDEZ to respond to interrogatories propounded to said Plaintiffs pursuant to a Stipulation and Order of the parties and the Court duly entered herein.

**LOCAL RULE 7.1 COMPLIANCE**

Filed concurrently herewith is Defendant, City of Revere's, Local Rule 7.1 Certificate of Compliance.

**FEDERAL RULE 37 AND LOCAL RULE 37.1 COMPLIANCE**

Filed concurrently herewith is the affidavit of Walter H. Porr, Jr., in Support of Defendant's Motion to Compel. This affidavit details the efforts to resolve this discovery dispute without the need for Court intervention. As set forth therein, there was an

extended exchange of correspondence which culminated in a telephonic conference at which the parties acknowledged they had reached an impasse. This impasse was also confirmed by correspondence.

Pursuant to Local Rule 37.1(B)(2), Defendant, City of Revere, provides the following particulars:

- (1) A discovery conference was held.
- (2) The discovery conference was held on May 17, 2005 via telephone by Revere Assistant City Attorney Walter H. Porr, Jr. and Plaintiff's Counsel, Mr. James Dilday. The conference was preceded by an exchange of several letters between counsel for the parties and was the culmination of that correspondence. The telephonic conference lasted between 10 and 15 minutes. No agreement was reached as a result of the exchange of correspondence and the telephonic conference. The issue remaining to be decided by the Court is enforcement of the Stipulation and Order entered herein on March 24, 2005.
- (3) This is an employment discrimination case under both Title VII (42 U.S.C. § 2000e) and under the Massachusetts anti-discrimination statute (Mass. Gen. Laws ch. 151B), with ancillary state law claims as well. The verified complaint is 23 pages long and features 140 paragraphs. The substantive allegations reach back to 1995 and the Plaintiffs are each seeking in excess of \$5,000,000.00 in damages.
- (4) The interrogatories to which the Plaintiffs have stipulated are attached hereto as Exhibits "A" and "B" respectively.
- (5) The basis for these interrogatories was set forth in detail in Defendants' Counsel's letter of March 2, 2005, to Plaintiffs' Counsel (see Exhibit "1", Affidavit of

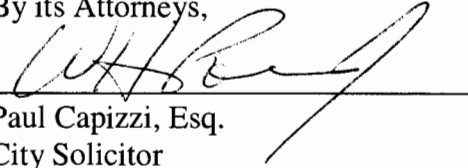
Walter H. Porr, Jr., filed concurrently herewith) which is incorporated herein by reference.

The Plaintiffs having stipulated to these interrogatories and the Court having approved said stipulation, there is no basis in law or fact for Plaintiffs failure to respond. Indeed, their failure to do so is a blatant violation of Federal Rule of Civil Procedure, Rule 37(a)(2)(B).

WHEREFORE, the premises being considered, Defendant's motion must be granted and the Plaintiffs compelled to answer the interrogatories forthwith.

For the Defendant, CITY OF REVERE,

By its Attorneys,



Paul Capizzi, Esq.

City Solicitor

BBO#: 646296

pcapizzi@rvere.org

Walter H. Porr, Jr., Esq.

Assistant City Solicitor

BBO#: 659462

wporr@revere.org

City Hall, 281 Broadway

Revere, MA 02151

781-286-8166

Dated: May 23, 2005.

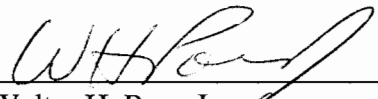
### **CERTIFICATE OF SERVICE**

I, Walter H. Porr, Jr., Assistant City Solicitor and counsel of record for the Defendants, City of Revere, City of Revere Police Department, Mayor Thomas Ambrosino and Police Chief Terence Reardon, hereby certify that I have, this day forwarded a copy of the foregoing Defendant, City of Revere's Motion to Compel, to all parties herein by mailing same, this date, via first class mail, postage prepaid to:

James S. Dilday, Esq.  
Carlton J. Dasent, Esq.  
27 School Street, Suite 400  
Boston, MA 02108  
Attorneys for the Plaintiffs

Michael J. Akerson, Esq.  
Reardon, Joyce and Akerson, P.C.  
397 Grove Street  
Worcester, MA 01605  
Attorneys for Defendants  
Bernard Foster, Salvatore Santoro,  
Roy Colannino, Frederick Roland,  
Thomas Doherty, John Nelson,  
James Russo, Michael Murphy,  
and Steven Ford

Dated: May 23, 2005

  
\_\_\_\_\_  
Walter H. Porr, Jr.,